

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

GENERAL KINEMATICS CORPORATION, )  
an Illinois corporation, )  
                                       )  
Plaintiff,                         ) Case No. 08-CV-1264  
                                       )  
v.                                     ) Judge David H. Coar  
                                       )  
CARRIER VIBRATING EQUIPMENT, INC., ) Magistrate Judge Schenkier  
a Kentucky corporation,             )  
                                       )  
Defendant.                         )  
                                       )

**REPORT OF PARTIES' PLANNING CONFERENCE**

Pursuant to this Court's order dated May 21, 2008, Margaret L. Begalle representing plaintiff, and James R. Higgins, Jr. and Hartwell P. Morse III representing the defendant, met on June 4, 2008 pursuant to Rule 26(f) to discuss:

- (1) the nature and basis of their claims and defenses;
- (2) the possibilities for a prompt settlement or resolution of this case;
- (3) to make or arrange for the disclosures required under Rule 26(a)(1); and
- (4) to develop a discovery plan.

To that end, the parties propose the following:

- A. The issues in this case may be simplified by taking the following steps:

At this early stage in the case, the parties are not aware of any steps that would simplify this case.

- B. The following modifications to the discovery requirements of the Federal Rules of Civil Procedure or Local Rules should be made in order to expedite discovery:

At this early stage in the case, neither party believes that any modification to the discovery requirements of the Federal Rules of Civil Procedure are necessary.

C. Discovery will be needed on the following subjects:

1. The defendant's development of the alleged invention, including the prosecution history of the patent-in-suit and defendant's knowledge of any prior art;
2. The plaintiff's development of the accused products.
3. Any discovery necessary to support or rebut contentions raised by the parties.
4. Any financial information relevant to evaluate appropriate damages.

D. Discovery should/should not be conducted in phases.

The parties do not presently believe it is necessary to conduct discovery in phases

E. Discovery is likely to be contentious and management of discovery should be referred to the Magistrate Judge.

Yes    No X

F. The parties consent/do not consent to this matter being referred to the Magistrate Judge for final disposition.

The parties do not consent to referral of this matter to the Magistrate Judge for final disposition.

G. The parties have discussed the possibility of alternative dispute resolution and concluded:

The parties believe that alternative dispute resolution is premature at this early stage in the case. However, the parties agree that after the exchange of some discovery, alternative dispute resolution should be explored.

H. The parties have discussed a prompt settlement or other resolution of this matter.

The plaintiff has made a written demand of \$ n/a, and the defendant has offered \$ n/a.

Both parties believe that discovery is needed to accurately assess potential damages and form a proper demand.

I. The court should consider the following methods of expediting the resolution of this matter:

At this early stage in the case, the parties have no suggestions for the Court regarding methods of expediting the resolution of this matter.

Respectfully submitted,

Dated: June 6, 2008

/s/ Thomas I. Ross

Thomas I. Ross (tross@marshallip.com)  
Paul B. Stephens (pstephens@marshallip.com)  
Margaret L. Begalle (mbegalle@marshallip.com)  
Vishal A. Sahni (vsahni@marshallip.com)  
MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, IL 60606-6357  
Tel: (312) 474-6300  
Fax: (312) 474-0448

*Attorneys for Plaintiff,  
General Kinematics Corp.*

Dated: June 6, 2008

/s/ James R. Higgins, Jr.

James R. Higgins, Jr. (jhiggins@mddreut.com)  
MIDDLETON REUTLINGER, PSC  
2500 Brown & Williamson Tower  
401 South Fourth Avenue  
Louisville, KY 40202-3410  
Tel: (502) 584-1135  
Fax: (502) 561-0442

Hartwell P. Morse III (hpmorse@welshkatz.com)  
J. Aron Carnahan (jacarnahan@welshkatz.com)  
WELSH & KATZ, LTD.  
120 South Riverside, 22<sup>nd</sup> Floor  
Chicago, IL 60606  
Tel: (312) 655-1500  
Fax: (312) 655-1501

*Attorneys for Defendant  
Carrier Vibrating Equipment Corp.*

So Ordered:

---

The Honorable David H. Coar  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2008, I caused a true and correct copy of the foregoing REPORT OF PARTIES' PLANNING CONFERENCE to be filed and served upon all counsel using the Court's CM/ECF system.

s/Thomas I. Ross

---

Thomas I. Ross